

g:\alleg\panel\20020113arb6.wpd ALLEGATION REVIEW BOARD DISPOSITION RECORD

Allegation No.: RI-2002-A-0113  
Site/Facility: Salem & Hope Creek  
ARB Date: 9/22/03

Branch Chief (AOC): Meyer  
Acknowledged: Yes  
Confidentiality Granted: No

Issue discussed: The allegor was originally concerned with his ability to perform duties in accordance with the Transient Assessment Response Plan (TARP) team formation procedure. When contacted by OI he chose not be interviewed and stated that he would try to resolve his concerns within the PSEG corrective action process. The NRC issued a conditional closeout letter to the allegor stating that the NRC will consider this allegation closed unless he contacts us within 30 days of the date of the letter. He did contact NRC in a November 20, 2002, letter and stated that he wanted the NRC to keep the issue open.

In a telephone call and subsequent letter dated 12/20/02, the allegor wanted the NRC to pursue his H&I claim and wanted to address the TARP issue.

DRP reviewed a 2/19/03 OI transcript (previously completed) and the final OI Report (OI Case no.1-2003-010) and did not identify any new technical issues. In their final report, OI did not substantiate that H&I took place.

In a 9/2/03 information package, the allegor indicated that PSEG is showing a continuing pattern of discrimination since he/she is taking medication that precludes him/her from being on the TARP team (Medical Department at PSEG is aware) but yet the individual received an unsatisfactory mid-year performance appraisal on 8/28/03.

Allegor contacted prior to referral to licensee (if applicable)? Yes

#### ALLEGATION REVIEW BOARD DECISIONS

Attendees: Chair - Crlenjak Branch Chief (AOC) - Barber SAC - Vito, Harrison  
OI Rep. - Wilson RI Counsel - Farrar Others - Conte, Caron, Holody

#### DISPOSITION ACTIONS:

- 1) DRP completed review of the 9/3/03 information package and did not identify any new technical issues.

Responsible Person: Barber  
Closure Documentation: \_\_\_\_\_

ECD: 09/22/03  
Completed: 09/11/03

- 2) OI to review the 9/3/03 information package to determine if the unsatisfactory mid-year performance appraisal related to his/her engagement in protected activities. Provide documentation of review to SAC by e-mail for file.

Responsible Person: Wilson/Monroe  
Closure Documentation: \_\_\_\_\_

ECD: 9/26/03  
Completed: \_\_\_\_\_

#### SAFETY SIGNIFICANCE ASSESSMENT:

#### PRIORITY OF OI INVESTIGATION:

Allegor initially declined to have the NRC pursue his discrimination issue. Thus, the original OI Case (1-2002-033) was closed since the allegor did not want to be interviewed and agreed no immediate safety issues existed when he was contacted by OI. In his 12/20 letter, no new technical information was provided to warrant raising OI's priority on this case. Later, he/she requested that OI pursue H&I. In their final report, OI did not substantiate that H&I took place.

Regional Counsel made determination that prima facie case has been articulated.

ARB MINUTES ARE REVIEWED AND APPROVED AT THE ARB

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